

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Revn. No. 1744 of 2006 (O&M)

DATE OF DECISION : 28.08.2006

Gursharan Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sandeep S. Majithia, Advocate,
for the petitioner.

* * *

Petitioner Gursharan Singh has filed this revision petition against the judgment dated 2.8.2006, passed by Addl. Sessions Judge, Kapurthala, whereby the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 8.7.2000, passed by Chief Judicial Magistrate, Kapurthala, convicting him under Sections 420/468/471 IPC and sentencing him to undergo rigorous imprisonment for two years and to pay a fine of Rs. 200/- and in default of payment of fine, to further undergo rigorous imprisonment for one month under Section 420 IPC; to undergo rigorous imprisonment for two years and to pay a fine of Rs. 200/- and in default of payment of fine, to further undergo rigorous imprisonment for one month under Section 468 IPC; and to undergo rigorous imprisonment for two years and to pay a fine of Rs. 200/- and in default of payment of fine, to further undergo rigorous imprisonment for one month under Section 471 IPC, has been dismissed.

2. I have heard counsel for the petitioner and gone through the judgments passed by both the Courts below.

3. In this case, co-accused Jaswant Singh, who was working as Halqa Patwari, had forged a power of attorney of dead lady namely Shanti Devi on 2.4.1993, whereas as per the evidence, the said Shanti Devi had already expired in the year 1990. On the basis of that forged general power

of attorney, the land owned by Shanti Devi was transferred. At the time of registration of the general power of attorney, the petitioner, being a Nambardar, identified Shanti Devi before the Sub Registrar. Therefore, alongwith Jaswant Singh, Halqa Patwari, the petitioner has also been convicted and sentenced. Against his conviction and sentence, Jaswant Singh had also filed Crl. Revision No. 1735 of 2006, which has already been dismissed by this Court on August 25, 2006.

4. Counsel for the petitioner contends that the petitioner identified Shanti Devi in good faith on the asking of co-accused Jaswant Singh. I do not find any substance in this contention. Counsel for the petitioner has not disputed the fact that the petitioner is Nambardar of the village and he had identified a lady before the Sub Registrar as Shanti Devi whereas actually Shanti Devi had died in the year 1990. Therefore, the contention of the counsel that the petitioner identified the said lady in good faith cannot be accepted. The petitioner is Nambardar of the village and he is supposed to know each and every resident of the village and to identify correct person. From the evidence on record, it has been proved that the petitioner has knowingly identified the wrong person before the Sub Registrar. Faced with this situation, counsel for the petitioner submitted that regarding sentence, a lenient view should be taken against the petitioner. Keeping in view the nature of allegations against the petitioner and the fact that he being a Nambardar of the village identified a wrong person, I do not find any ground to interfere in the sentence imposed by the trial court.

5. For the aforesaid reasons, I do not find any illegality or infirmity in the judgments passed by the Courts below.

6. Dismissed.

August 28, 2006
ndj

(SATISH KUMAR MITTAL)
JUDGE